

and condemnation of 8 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by J. W. Williams, Haigler, Nebr., alleging that the article had been shipped from Haigler, Nebr., September 30, 1924, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From J. W. Williams, Haigler, Nebr."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On January 5, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be examined under the supervision of this department, the bad portion destroyed, and the good portion sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13028. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 19195. I. S. No. 20817-v. S. No. W-1604.)

On October 31, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by the St. Francis Equity Exchange, St. Francis, Kans., alleging that the article had been shipped from St. Francis, Kans., on or about October 21, 1924, and transported in interstate commerce into the State of Colorado, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On January 5, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be examined under the supervision of this department, the bad portion destroyed, and the good portion sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13029. Misbranding of canned tuna fish. U. S. v. 65 Cases and 325 Cases of Tuna Fish. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18944. I. S. Nos. 20902-v, 20906-v. S. No. W-1573.)

On September 16, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 390 cases of tuna fish, remaining in the original unbroken packages at Denver, Colo., consigned by the Westgate Sea Products Co., San Diego, Calif., alleging that the article had been shipped on or about July 19, 1924, and transported from the State of California into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part variously: (Can) "Solitaire Albacore White Meat Tuna Net Weight 13 Oz 369 Grams;" "Moreys Solitaire Tuna Fish * * * Net Weight 14 Ozs. 397 Grams;" and "Alamo Brand Tuna Light Meat Net Weight 7 Oz. Packed By Westgate Sea Products Company San Diego California."

Misbranding of the article was alleged in the libel for the reason that the statements, "Net Weight 13 Oz. 369 Grams," "Net Weight 14 Ozs. 397 Grams," and "Net Weight 7 Oz.," borne on the cans of the respective lots, were false and misleading and deceived and misled the purchaser, in that the net weight of the cans in the said lots was less than 13 ounces 369 grams, 14 ounces 397 grams, and 7 ounces, respectively. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 6, 1924, the Morey Mercantile Co., Denver, Colo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*